

Town of Milton

115 Federal St
Milton, DE 19968



www.milton.delaware.gov

Phone: 302-684-4110

Fax: 302-684-8999

To: Mayor & Council
From: Robin Davis
Project Coordinator
Date: 08/29/13
Ref: Agenda Item #14a

Final Subdivision Approval – Phase 4 Heritage Creek

Fernmoor Homes at Heritage Creek is requesting final subdivision approval for Phase 4 of Heritage Creek. The application was reviewed and received preliminary subdivision approval from the Planning & Zoning Commission on April 16, 2013. A public hearing was held on the same date. The applicant made the necessary changes to the proposed plan. The revised plans and construction drawings were approved by the Town Engineer. The final subdivision application was reviewed by the Commission on August 20, 2013. Final approval was granted, after receiving approvals from all applicable outside agencies. The application has been forwarded to Town Council for consideration per Section 188-32 of the Zoning Ordinance. The following information has been submitted for review:

1. Subdivision Application
2. Approval letter from Town Engineer
3. Outside Agency Approval letter
4. Final Subdivision Plans

The construction drawings for the project, which contain infrastructure details (i.e. - road profiles, sewer layout and profiles, water layout and profiles, etc.) and consist of 26 pages, are available for review at Town Hall

Please contact me if there are any questions. Thank you.

Town of Milton

Application for Subdivision

Date: March 4, 2013

Name of Property Owner: Fernmoor Homes at Heritage Creek
Address of Property Owner: c/o Ocean Atlantic Management, LLC 55 Cascade Lane, Suite A Rehoboth Beach, DE 19971
Phone Number of Property Owner: 302-227-3573
Name of Applicant if different:
Address of Applicant if different:
Phone Number of Applicant if different:
Applicant's interest in property:
Name of licensed Engineer/Surveyor used: George, Miles & Buhr, LLC
Address of licensed Engineer/Surveyor used: 206 West Main Street, Salisbury, MD 21801
Phone number of Engineer/Surveyor: 410-742-3115
Location of Property to be Subdivided: Heritage Creek Subdivision along Route 5
Sussex County Tax Map and Parcel Number: 2-35-20-56
Current zoning: Circle one R-1 R-2 R-3 TC C-1 LI-1 MR-1 LPD Overlay
Proposed zoning if changing: Circle one R-1 R-2 R-3 TC C-1 LI-1 MR-1 LPD Overlay
Total acreage of property: 127 Acres Total 7.57 Acres Phase 4
Density per acre: 3.35
Number of lots proposed: 42
Average size of lots: Single Fam. 8765 SF Triplex 3551 SF Townhome 4275 SF
Total acreage to be dedicated to open space: None in this phase
Ownership of open space: HOA
Other items or remarks: Construction of Phase 4 - 42 lots total
Site Plans Required: Town Council - 8
Planning and Zoning - 12

Application Fee \$100 + \$25 per lot: \$1,150.00 Signature of Applicant:

Ben Gandy for Fernmoor Homes

For Official Use Only

Date Received:
Complies with Comprehensive Plan: Yes / No
Comprehensive Plan proposed zoning: Circle one R-1 R-2 R-3 TC C-1 LI-1 MR-1 LPD Overlay
Next Town Council Date:
Next Planning and Zoning Date:
Town water available as per Town Engineer:
Town sewer available as per Town Engineer:
Payment Received: Amount: Cash/Check #



CABE ASSOCIATES, INC.

CONSULTING ENGINEERS

144 SOUTH GOVERNORS AVENUE
P.O. BOX 877
DOVER, DELAWARE 19903-0877

-PRINCIPALS-
LEE J. BEETSCHEN, P.E., DEE
ROBERT W. KERR, P.E., DEE

-SENIOR ASSOCIATE-
MARK K. DOWNES, P.E.

-ASSOCIATES-
SCOTT C. HOFFMAN, P.E.
STEVEN H. LEWANDOWSKI, P.E.

July 29, 2013

Mr. Robin Davis
Town of Milton
115 Federal Street
Milton DE 19968

Re: Heritage Creek Phase 4
Milton, Delaware

Dear Mr. Davis:

We have reviewed the Heritage Creek Construction Drawings for Phase 4. All previous comments and recommendations have been satisfactorily addressed. Subdivision Record Plats for Heritage Creek Phases 4A, and 4B were also reviewed. The subdivision Record Plats meet the requirements of Town ordinances.

Provided all outside agency approvals have been received and all other project requirements have been met, we recommend that Planning and Zoning approve the Record Plats and Construction Drawings. Upon approval by Planning and Zoning the Record Plats should be forwarded to Mayor and Council for their approval of the subdivision Record Plat.

We trust this is satisfactory for your needs. If we may answer questions or provide additional assistance, please do not hesitate to contact us.

Very truly yours,

CABE ASSOCIATES, INC.

Robert W. Kerr, P.E., DEE

RWK/cjk
148-058



DELAWARE HEALTH AND SOCIAL SERVICES

Division of Public Health

Office of Engineering
Phone: (302) 741-8640
Fax: (302) 741-8641

July 16, 2013

RECEIVED
SALISBURY

JUL 19 2013

GEORGE, MILES & BUHR LLC
Architects & Engineers

TOWN OF MILTON

APPROVAL TO CONSTRUCT
Heritage Creek Phase 4 Connection
PWS #DE0000629
Approval #13W74

Mr. Ben Gordy
Fernmoor Homes at Heritage Creek
c/o Ocean Atlantic Management, L.L.C.
20184 Phillips Street
Rehoboth Beach, DE 19971

Dear Mr. Gordy:

As provided by Section 2.11 of the *State of Delaware Regulations Governing Public Drinking Water Systems*, you are granted approval to connect Heritage Creek Phase 4 to the existing main in accordance with the plans submitted by George, Miles & Buhr, L.L.C. The plans consist of:

1. Transmittal letter dated July 11, 2013.
2. Two copies of the plans entitled "Heritage Creek Phase 4" dated February 2013.

These plans, as noted, are made a part of this approval. This approval is granted subject to the enclosed list of conditions. It is the owner's responsibility to ensure as-built drawings are maintained throughout all phases of construction. Prior to receiving an Approval to Operate, the Office of Engineering requires one set of as-built drawings, including profile markups.

The Office of Engineering recommends detectable tracer tape that is three inches wide and blue in color to be installed directly above all water mains larger than two inches in diameter.

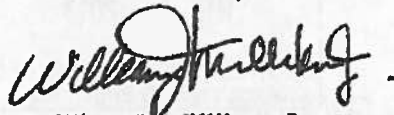
Deflect the proposed 8 inch water main to maintain a minimum 18 inch vertical separation where it crosses the 8 inch PVC sanitary sewer on Arch Street station 4+42 on sheet C12.2.

I am sending one set of plans with a copy of this approval to George, Miles & Buhr, L.L.C. that is signed and dated by the Office of Engineering.

Mr. Ben Gordy
Fernmoor Homes at Heritage Creek
July 16, 2013
Page 2

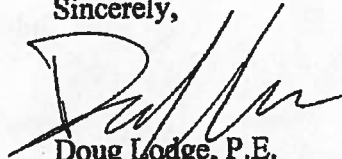
Should you have any questions regarding this matter, please feel free to contact Bill Milliken at (302) 741-8646.

Plans reviewed by:



William J. Milliken, Jr.
Engineer III
Office of Engineering

Sincerely,



Doug Lodge, P.E.
Supervisor of Engineering
Office of Engineering

cc: Shane Abbott, Sussex County Planning & Zoning
Douglas L. Bolner, Jr., George, Miles & Buhr, L.L.C.
Dustan Russum, Town of Milton
Kevin Cottman, Office of Drinking Water

1. The approval is void if construction has not been started by July 16, 2014.
2. The project shall be constructed in accordance with the approved plans and all required conditions listed in this Approval to Construct. If any changes are necessary, revised plans shall be submitted and a supplemental approval issued prior to the start of construction. As-built plans including profile mark-ups must be submitted to the Office of Engineering after construction has been completed.
3. Representatives of the Division of Public Health may inspect this project at any time during the construction.
4. This approval does not cover the structural stability of any units or parts of this project.
5. The water system shall be operated in conformance with the *State of Delaware Regulations Governing Public Drinking Water Systems*.
6. All wells, pipes, tanks, and equipment which can convey or store potable water shall be disinfected in accordance with the current AWWA procedures. Plans or specifications shall outline the procedure and include the disinfectant dosage, contact time, and method of testing the results of the procedure. (recommended Standards for Water Works 2012 Edition 2.15)
7. Water mains crossing sanitary and storm sewers should be laid to provide a minimum vertical distance of 18 inches between the outside of the water main and the outside of the sewer, and the water main should be above the sewer. At crossings, one full length of water pipe should be located so both joints will be as far from the sewer as possible. Special structural support for the water and sewer pipes may be required. In cases where it is not practical to maintain an 18-inch separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.
8. Water mains should be laid 10 feet horizontally from any existing or proposed sanitary or storm sewers. The distance should be measured edge to edge. In cases where it is not practical to maintain a 10-foot separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.
9. All chemicals, materials, mechanical devices, and coatings in contact with potable water shall comply with National Sanitation Foundation/American National Standards Institute Standards (NSF/ANSI) 60 and 61 and shall be inert, nontoxic, and shall not impart any taste, odor, or color to the water.
10. Sufficient valves should be provided so that inconvenience and sanitary hazards will be minimized during repairs. Valves should be located at not more than 500-foot intervals in commercial districts and at not more than one block or 800-foot intervals in other districts.

11. There shall be no connection between the distribution system and any pipes, pumps, hydrants, or tanks whereby unsafe water or other contaminating materials may be discharged or drawn into the system.
12. Fire hydrant drains shall not be connected to or located within 10 feet of sanitary sewers, storm sewers, or storm drains.
13. Prior to usage of water from this new well, water plant, storage plant, or distribution system, approval for the water quality must be obtained from the Division of Public Health.
14. The water system should be capable of providing at least 25 psi at ground level at all times throughout the distribution system.
15. All plastic pipe utilized in this drinking water system shall be approved for potable water use (NSF-pw). If any piping is joined with solder or flux, the solder and flux shall be lead free (less than or equal to 0.2 percent lead).
16. All water lines should be buried to a depth of at least 3 feet.
17. A Certificate of Public Conveniences and Necessity should be acquired from the Public Service Commission, (302) 739-4247.
18. This approval is for the distribution system only. Plans and specifications for all well plumbing, pumps, storage (including any interior coatings), and treatment must be submitted to and approved by this office prior to their installation.
19. The approval is subject to immediate revocation upon violation of any of the preceding conditions.
20. All other local (county/city/town) approvals or permits needed must be obtained prior to beginning construction.
21. Upon completion of construction and before the system is placed into operation, a "Notice of Completion" must be submitted to the Office of Engineering. Before placing the system into operation, the following must be adhered to:
 - a. Submit a set of as-built plans with profile markups to the Office of Engineering.
 - b. Obtain an Approval to Operate from the Office of Engineering.



OFFICE OF STATE FIRE MARSHAL

Technical Services

2307 MacArthur Road
New Castle, DE 19720-2426
Phone: 302-323-5365
Fax: 302-323-5366

1537 Chestnut Grove Road
Dover, DE 19904-9610
Phone: 302-739-4394
Fax: 302-739-3696

22705 Park Avenue
Georgetown, DE 19947
Phone: 302-856-5298
Fax: 302-856-5800



FIRE PROTECTION PLAN REVIEW REPORT

Plan Review Number 2013-04-0477-MJS-01

Tax Parcel Number 2-35-20.00-56.00

Review Status APPROVED AS SUBMITTED

Review Date 06/03/2013

PROJECT

HERITAGE CREEK (PHASE 4)

Phase# 4

Building #

Unit #

RT 5 & CHESTNUT ST
MILTON, DE 19968

SCOPE OF PROJECT

Project Type MJS Major Site

Number of Stories _____

Occupant Load _____

Square Footage _____

Occupancy Code 9601

Construction Class V (000) WOOD FRAME

Fire District 85

APPLICANT

GEORGE MILES & BUHR LLC

206 W MAIN ST

SALISBURY, MD 21801

OWNER

BEN GORDY

20184 PHILLIPS ST

REHOBOTH BEACH, DE 19971

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:

THOMAS HASLAM, SR FIRE PROTECTION SPECIALIST

FIRE PROTECTION PLAN REVIEW COMMENTS

Project Name HERITAGE CREEK (PHASE 4)
Plan Review Number 2013-04-0477-MJS-01 Tax Parcel Number 2-35-20.00-56.00
Review Status APPROVED AS SUBMITTED Review Date 06/03/2013

PROJECT COMMENTS

- 1002 This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) Effective December 11, 2012. The current Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
-
- 1030 This site meets Water Flow Table 2, therefore the following water for fire protection requirements apply: Main Sizes: 6" minimum. Minimum Capacity: 500 gpm @ 20 psi residual for 1 hour duration. Hydrant Spacing: 1,000' on center. (DSFPR Regulation 702, Chapter 6, Section 3)
- SINGLE FAMILY
-
- 1040 This site meets Water Flow Table 2, therefore the following water for fire protection requirements apply: Main Sizes: 6" minimum. Minimum Capacity: 1,000 gpm @ 20 psi residual for 1 hour duration. Hydrant Spacing: 800' on center. (DSFPR Regulation 702, Chapter 6, Section 3)
- TOWNHOUSE, APARTMENTS
-
- 1119 All proposed fire hydrants and water mains shall be installed in accordance with the most current edition of the Delaware State Fire Prevention Regulations. (DSFPR Regulation 702, Chapter 6 & 7)
-
- 1132 Fire hydrants shall be color coded in accordance with the DSFPR Regulation 703, Chapter 3, Section 4. This includes both color coding the bonnet and 2" reflective tape around the barrel under the top flange.
-
- 1232 All threads provided for fire department connections, to sprinkler systems, standpipes, yard hydrants or any other fire hose connections shall be uniform to those used by the fire department in whose district they are located. (DSFPR Regulation 703, Chapter 1, Section 1.5)
-
- 1432 The steamer connection of all fire hydrants shall be so positioned so as to be facing the street or fire lane. (DSFPR Regulation 705, Chapter 5, Section 10)
- The center of all hose outlet(s) on fire hydrants shall be not less than 18 inches above final grade (NFPA 24, Section 7.3.3)

Project Name HERITAGE CREEK (PHASE 4)
Plan Review Number 2013-04-0477-MJS-01 Tax Parcel Number 2-35-20.00-56.00
Review Status APPROVED AS SUBMITTED Review Date 06/03/2013

PROJECT COMMENTS

-
- 1332 The distance between a fire hydrant and the fire lane shall not be greater than seven feet. (DSFPR Regulation 705, Chapter 5, Section 10)
-
- 1130 Provide a water flow test on the subdivision hydrant(s) once they have been installed, and before they are placed into service. Results are to be forwarded to this Agency for review.
-
- 1180 This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.
-
- 1501 If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.
-



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

Surface Water Discharges Section
Construction Permits Branch

Telephone: (302) 739-9946
Facsimile: (302) 739-8369

August 12, 2013

Mr. Ben Gordy
Fernmoor Homes at Heritage Creek
20184 Phillips Street
Rehoboth Beach, DE 19971

RE: Heritage Creek Phase 3, Milton
Wastewater Construction Permit, State Permit No.: WPCC 3047/13

Dear Mr. Gordy:

Please find enclosed a copy of the construction permit that was issued for the referenced project.

We expect the construction to be completed prior to the permit expiration date. If construction cannot be completed within the three (3) year permit term, you may request a one-time, two-year, no-cost permit extension, as long as we receive the request prior to the expiration date and as long as there are no significant changes to the plans or project, as determined by the Department.

Per Part II.A.2.a of the enclosed permit, notify the Department of any changes to the activities authorized therein. Per Part II.B.1 of the enclosed permit, you are to submit a set of "as-built" plans of the constructed wastewater facilities within ninety (90) days of construction completion. The as-built plans must be signed and sealed by a Professional Engineer licensed in Delaware.

If you have any questions, please contact me at (302) 739-9352 or via email at molly.mackil@state.de.us.

Sincerely,

Molly J. Mackil, P.E.

Molly J. Mackil, P.E.
Construction Permits Branch

Enclosure

pc: Mr. Michael G. Kobin –
George, Miles & Buhr, LLC, 206 West Main Street, Salisbury, MD 21801
Mr. Jeremy M. Kalmbacher, Director of Engineering – Tidewater Environmental
Services, Inc., 1100 South Little Creek Road, Dover, DE 19901

Delaware's good nature depends on you!

**AUTHORIZATION TO CONSTRUCT UNDER THE
LAWS OF THE STATE OF DELAWARE**

PART I

1. In compliance with the provisions of 7 Del. C., §6003,

**Tidewater Environmental Services, Inc.
1100 South Little Creek Road
Dover, DE 19901**

and

**Fernmoor Homes at Heritage Creek
20184 Phillips Street
Rehoboth Beach, DE 19971**

are authorized, jointly and individually, to construct facilities consisting of the following:

Approximately one thousand, four hundred and forty-six (1,446') linear feet of eight (8") inch diameter gravity sewer; fifteen (15) interconnecting manholes; and laterals, cleanouts and related facilities to serve the Heritage Creek Phase 4 residential subdivision, located on the east side of DE Route 5 (County Road 22), north of Chestnut Street, Town of Milton, Broadkill Hundred, Sussex County, Delaware,

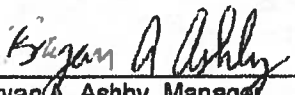
In accordance with plans and specifications as described below and limitations, requirements and other conditions set forth in Parts I, II and III hereof.

2. The plans and specifications consist of the following:

Six drawings* as part of a set of plans prepared by George, Miles & Buhr, LLC, titled "Heritage Creek - Phase 4 - Milton, Delaware - GMB File No. 120015, dated Feb. 2013, revised through 8-7-13; the current Tidewater Environmental Services, Inc., Standards and Specifications; and a letter dated August 2, 2013, addressed to Mr. Doug Bolner, Jr., George, Miles & Buhr, LLC, from Mr. Joshua T. Turner, Staff Engineer, Tidewater Environmental Services, Inc.

*Sheets Nos. G1, P1, C3.1, C4.1, C5.1 and C5.2:

Sheet No. G1 titled "Cover Sheet"; Sheet P1 titled "Phasing Plan"; Sheet No. C3.1 titled "Sanitary Sewer Plan"; Sheet No. C4.1 titled "Sanitary Sewer Profiles"; and Sheet Nos. C5.1 and C5.2 titled "Sanitary Sewer Details".


Bryan A. Ashby, Manager
Surface Water Discharges Section
Division of Water
State of Delaware Department of Natural Resources
and Environmental Control

8/12/13
Date Signed

3. The liquid waste will be discharged to the Town of Milton/Tidewater Environmental Services, Inc., Wastewater Treatment Facility, which discharges treated wastewater to the Broadkill River, in accordance with NPDES Permit No. DE 0021491.

A. Effluent Limitations on Pollutants Attributable to Industrial Users

The use of the constructed facility is conditioned on meeting all applicable pretreatment standards under 40 CFR, Part 403, or toxic pollutant discharge limitations under Section 307(a) of the Clean Water Act of 1977, PL 95-217.

B. Flow and Usage Limitations

This permit authorizes a daily average discharge of N/A gallons*. The flow in the system shall be measured at least every N/A.

* This permit authorizes only the construction of the wastewater collection and conveyance facilities referenced herein.

The average daily discharge is estimated to be 150,000 gallons per day at full build-out.

C. Monitoring and Reporting (When Required)

1. Representative sampling of the volume and nature of the monitored discharge shall be conducted at the request of the Division of Water.

2. Reporting

Monitoring results shall be reported to the:
Delaware Department of Natural Resources and Environmental Control
Division of Water, Surface Water Discharges Section
89 Kings Highway
Dover, DE 19901
302-739-9946

3. Definitions

- a. "Daily average flow" means the total flow during a calendar month divided by the number of days in the month that the facility was operating.
- b. "Daily maximum flow" means the highest total flow during any calendar day.
- c. "Daily Peak Flow" means the flow which can be safely transported within the sewage system without causing an overflow or a backup into the building(s) or residence(s).
- d. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.

- e. "Measured flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.
- f. "Estimate" means a value to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters and batch discharge volumes.

4. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The date, exact place and time of sampling or measurement;
- b. The person(s) who performed the sampling and/or measurement;
- c. The date(s) and time(s) analysis was performed;
- d. The individual(s) who performed each analysis;
- e. The analytical technique(s) or method(s) used;
- f. The results of each analysis; and
- g. Appropriate quality assurance information.

5. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, all records of instrument calibration and maintenance and all charts from continuous monitoring instruments, shall be retained for three (3) years. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Department.

6. Test Procedures

Test procedures for the analysis of pollutants shall conform to the applicable test procedures identified in 40 CFR, Part 136, unless otherwise specified in this permit.

END OF PART I

PART II

A. Management Requirements

1. Duty to Comply

The permittee must comply with the terms and conditions of this permit. Failure to do so constitutes a violation of this permit, which is grounds for enforcement and the imposition of penalties as provided in 7 Del.C., Chapter 60, grounds for permit termination or loss of authorization to discharge or operate pursuant to this permit, grounds for permit revocation and reissuance or permit modification, or denial of a permit renewal application.

2. Notification

a. Changes in Authorized Activities

The permittee shall notify the Department of any proposed change in the activity authorized herein, of any proposed substantive change in the operation of the facility or facilities authorized herein, or of any anticipated facility expansions, production increases, or process modifications. Notification is required only when such alteration, addition or change may justify the inclusion of conditions that are absent or different from those specified in this permit. This includes, for example, the construction of additional wastewater collection, transmission or treatment facilities and changes which will result in new, different, or increased discharges of pollutants. Following such notice, the Department may require the submission of a new permit application and this permit may be reopened and modified to address the proposed changes.

b. Noncompliance

If, for any reason, the permittee does not comply with or will be unable to comply with any limitation specified in this permit, the permittee shall provide the Department with the following information, in writing, within five (5) days of becoming aware of such condition:

A description of the discharge and cause of noncompliance; and

The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

3. Facilities Operation

The permittee shall, at all times, maintain in good working order and operate as efficiently as possible all collection and treatment facilities and systems (and related appurtenances) installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective management, adequate operator staffing and training and adequate laboratory process controls, including appropriate quality assurance procedures.

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the State resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and extent of the noncomplying discharge.

5. Bypassing

Any bypass or intentional diversion of waste streams from the facilities authorized by this permit, or any portion thereof, is prohibited, except (i) where unavoidable to prevent loss of human life, personal injury or severe property damage, or (ii) where excessive storm drainage or run-off would damage any facilities necessary for compliance with the effluent limitations and prohibitions of this permit. The permittee shall promptly notify the Department, in writing, of each such diversion or bypass.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the surface water or groundwater.

B. Responsibilities

1. Within 90 days following the completion of construction, the permittee shall submit to the Department an "as-built" set of plans of the facility or facilities constructed, bearing the seal and signature of a licensed Professional Engineer registered in the State of Delaware.

2. Right of Entry

The permittee shall allow the Secretary of the Department of Natural Resources and Environmental Control, or his authorized representative(s), upon the presentation of credentials:

- a. To enter upon the permittee's premises for inspection of any records, flow measurements, construction or other activity authorized by this permit or any condition required under the terms of this permit; and
- b. At reasonable times, to have access to and to copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and
- c. To sample any discharge.

3. Transferability

This permit is transferable with the Department's consent, provided that an intention to transfer accompanied by a copy of the permit is provided to the Department, signed by both the transferor and the transferee at least ten (10) days prior to the actual transfer.

4. Availability of Reports

All reports submitted with the application and those reports required under the terms of this permit shall be available for public inspection at the offices of the Department of Natural Resources and Environmental Control. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in 7 Del. C., §6013. Any person who causes or contributes to the discharge of a pollutant into State waters either in excess of any conditions specified in this permit or in absence of a specific permit condition shall report such an incident to the Department required under 7 Del. C., §6028.

5. Permit Modification

This permit may be modified, suspended or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any term or condition of this permit;
- b. Obtaining this permit by misrepresentation or failure to fully disclose all relevant facts;
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized activity; or
- d. Information that the permitted activity poses a threat to human health or welfare, or to the environment.

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under 7 Del. C., Chapter 60.

7. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation.

8. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

9. Severability

The provisions of this permit are severable. If any provision of this permit is held invalid, or if the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

END OF PART II

PART III

A. Special Conditions

1. This permit authorizes only the construction of the wastewater facilities and related work referenced herein.
2. If wellpointing is required during construction, the wells must be installed by a licensed well driller, and a permit to construct such wells must first be obtained from the Well Permits Branch of the Water Supply Section.
3. All construction shall be in agreement with plans and specifications submitted under this project and approved by the Department of Natural Resources and Environmental Control.
4. All construction shall be in accordance with Ten States Standards and other applicable local utility construction specifications and standards.
5. Connections or additions to the proposed system, other than those proposed on the plans, will not be allowed without prior approval from the Department.

END OF PART III

TIDEWATER
ENVIRONMENTAL SERVICES, INC.
1100 SOUTH LITTLE CREEK ROAD
DOVER, DELAWARE 19901

August 2, 2013

Mr. Doug Bolner, Jr.
George, Miles & Buhr, LLC
206 West Main Street
Salisbury, MD 21801

RE: Heritage Creek Phase 4

Dear Mr. Bolner:

Tidewater Environmental Services, Inc. (TESI) is writing this letter in regards to the wastewater collection system review of the referenced subdivision. At this time there are no further exemptions with the plans pending conditions set forth by this letter.

The following conditions must be met prior to construction of the project:

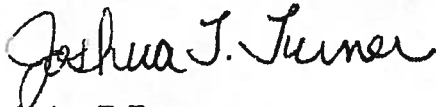
1. Three copies of final plans signed and sealed by a Professional Engineer registered in the State of Delaware shall be submitted on paper.
2. Photocopies of all permits in relation to the sewer infrastructure shall be provided on paper.
3. A CD-ROM disk shall be provided with the CAD in a .dwg format and the submitted sheets in a .pdf format. The CAD drawings shall be submitted in a 2007 version and shall include all items associated with the drawing including text, xrefs, etc. Each sheet shall be seen in CAD format, not just an overview of the project.
4. Should any separate easement documentation be necessary then a fully executed easement shall be completed.

Should any of the conditions not be met, than TESI reserves the right to withhold construction.

Please let me know if you have any questions about my review. I can be reached directly at (302) 747-1349 or by e-mail at jturner@twater.com. TESI appreciates your submission on this project.

Sincerely,

TIDEWATER ENVIRONMENTAL SERVICES, INC.



Joshua T. Turner
Staff Engineer

cc: Kirsten Higgins, TESI
Jeremy Kalmbacher, TESI
Ben Gordy, Fernmoor Homes at Heritage Creek



June 4, 2013

Mr. Ben Gordy
c/o George, Miles, & Buhr, LLC
206 West Main Street
Salisbury, MD 21801

RE: Heritage Creek Phase 4 Revision

Dear Mr. Gordy:

A sediment control and stormwater management plan approval has been issued for the above-referenced project. Please insert the revised sheets into the plans that were previously approved. One is for your use, and the other is for the contractor and must remain on site at all times. Failure to keep an approved plan on site is a violation of this approved plan.

Please note that the timeframe for this plan is three years from the approval date. If for any reason construction does not begin within three years, the approved plan will be considered to have expired, and must be resubmitted to the District for a new review. In addition, if work is not completed within the three-year timeframe, the District must be contacted and a request for an extension submitted. Depending on regulation changes, a new plan may need to be submitted to ensure that all stormwater management facilities are constructed to the most recent standards.

If ownership of this project changes during the construction period, Sussex Conservation District will require a new signed owner's certification statement.... In addition, the authorization to discharge stormwater under the regulations *Part 2 Special Conditions for Storm Water Discharges Associated with Construction Activities*, must be transferred by the original owner to the new owner, please contact DNREC for assistance at 302 739-9921.

If you have any questions concerning the aforementioned, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script that reads "Jessica Watson/jmg".

Jessica Watson
Program Manager

JW/jmg

cc: Shane Abbott

